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ANNUAL MESSAGE,

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GOVERNOR SAUNDERS,

TO THE

LEGISLATIVE ASSEMBLY

OF THE

NEBRASKA TERRITORY

TERRITORY OF NEBRASKA,

TENTH REGULAR SESSION:

BEGUN AND HELD AT THE CITY OF OMAHA, NEBRASKA, ON
THURSDAY, JANUARY 5, 1865.

WITH THE ACCOMPANYING DOCUMENTS.

OMAHA CITY, NEBRASKA:
TAYLOR & MCCLURE, Public Printers.

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COUNCIL CHAMBER, January 9, 1865.

MESSRS. TAYLOR & MCCLURE,

Public Printers,

GENTS:—You will please print 3,000 copies of the Governor's Message and Accompanying Documents for the use of the Council in accordance with the following Resolution, passed January 9th, 1865:

Resolved, That the Chief Clerk be instructed to procure at the earliest moment the printing of 3,000 copies of the Governor's Message and Accompanying Documents in the English language, and 1,500 copies thereof in the German language, for the use of the Members of the Council.

JOHN S. BOWEN, *Chief Clerk.*

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1825 Jan. 5

At the State House, Lincoln, Nebraska.

Sub 23 July 1861
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whereas much and serious has likewise been done by the rebels to injure our country and to bring about the downfall of our institutions;—be it therefore enacted by the Legislature of the State of Nebraska, that the Governor shall have power to call out the militia of this state to repel invasion, to suppress insurrection, and to execute the laws;

GOVERNOR'S MESSAGE.

Gentlemen of the Council,

and House of Representatives:

It is with great pleasure that I again greet you, as the immediate representatives of the people of Nebraska, in your capacity as Legislators, on the occasion of your annual meeting. Since you closed your labors a year ago, events, fraught with the most momentous consequences, not only to our common country but to mankind, have occurred, in rapid succession. The great struggle for the maintenance of the integrity of our nationality, and the perpetuity of our free institutions, continues. Our own Territory, hitherto exempt from the commotions and calamities incident to a state of war, has been invaded, and our peaceful homes threatened with desolation by the ruthless savages of the Plains. Yet, in reviewing the events of the year which has just closed, we have the greatest reasons for the expression of profound gratitude to the SUPREME RULER for our signal triumphs over the public enemy—for our comparative exemption from the horrors and atrocities attendant upon Indian warfare and for our general prosperity as a people. The rebel armies have been repeatedly defeated, with terrible losses of men and material, and the lines of the insurgents have been driven in at every point east of the Mississippi; while the Atlantic and Gulf coasts have been almost hermetically sealed by our powerful and efficient Navy, against the piratical commerce which, during the earlier history of the Rebellion, was so successfully carried on between domestic traitors and foreign sympathizers, stimulated by avarice and cupidity. West of the Mississippi, if our success has not been so decided and gratifying, we have at least steadily maintained our position, and every attempt of the rebel armies to invade the loyal States, has been signally and disastrously defeated. During this period, (if we except that of Arkansas on the Red River,) the Union armies have met with no serious repulse. At minor points, trivial reverses have occurred to our arms, in a few instances; but the general result has been decidedly favorable to the great cause of Union and Freedom.

This war for the preservation of our National Life, although protracted through more than three years of bloody strife, is at length happily drawing to a close; and recent events would seem to indicate, with almost mathematical certainty, that the

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end cannot be far in the future. Slowly, but steadily and surely, the Union armies are exhausting the strength and resources of the rebel forces. Their lines are being rapidly contracted—their ranks decimated, beyond the possibility of recuperation, and the spirit of the misguided masses has been broken. To-day the so-called confederacy cannot rightfully claim to control one-half the Territory embraced within its limits at the commencement of the Rebellion. Our Armies and Navies almost encompass them, while one of our greatest Generals, with his victorious columns, has marched through the very heart of the Empire State of the South, from the interior to the coast, and captured the most populous and important commercial city in the rebellious district, almost without opposition. These significant facts leave no room to doubt that at an early period the supremacy of the Constitution and the Laws will be restored in every portion of the country—thus establishing human liberty alike in the South and in the North, and vindicating the capacity of the people for self-government.

The result of the recent election for President and Vice-President of the United States, indicates that the people fully comprehend the character of the contest, and that they are ready to make any sacrifice of men and treasure necessary to secure ultimate triumph. To the friends of the National Administration it affords peculiar cause of congratulation; indicating, as it does, that the American people endorse the principles and policy which have controlled the President in administering the affairs of the General Government in the midst of the most gigantic and formidable Rebellion known to history.

THE INDIAN WAR.

I congratulate you on the termination of the Indian war on our own frontier, which for a time, since the close of your last session, disturbed the quiet which had hitherto prevailed in our Territory, and created the most serious apprehensions for the safety of the exposed settlements on our western and northern borders. From facts which have come to the knowledge of this department, it is deemed certain that these Indian depredations and disturbances were the result of combined action between several tribes, instigated, aided and counseled by lawless white men who hoped to share in the plunder which would result from their robberies and massacres. It is by no means certain that these coadjutors of the savages were not the emissaries of the rebel government, prompted to their inhuman work by the hope of creating a diversion in favor of their waning cause in the South.

Portions of the Sioux, Cheyennes, Arapahoes, Kiawas, Comanches and Apaches, were evidently confederated for the purpose of attacking the frontier settlements and emigrant trains in Nebraska, Kansas, Colorado and South-eastern Idaho. Suddenly and almost simultaneously, without the slightest warning, ranchmen and emigrants were attacked at no less than four different points, remote from each other, thus proving, beyond the possibility of doubt, that the plan had been matured, and the co-operation of different tribes secured in the work of destruction.

The necessities of the General Government had caused the withdrawal, from time to time, of nearly all the United States troops stationed in this Territory for its defense; so that when the outbreak commenced we possessed no adequate force to sup-

press it. The few United States volunteers within reach did their duty nobly. The Nebraska First, tendered illustrious by so many brilliant achievements in the South, and the Second Nebraska Veteran Cavalry, promptly responding to the call of the Executive, moved at once to the post of danger; and the Militia, with equal alacrity, hastened to the relief of their brethren on the more exposed frontier, and the emigrants upon the plains.

These efforts were crowned with substantial success. The feeble settlements were protected from the impending danger,—the Indians, with very few exceptions, were driven from our border, and the various lines of communication between the Missouri river and the mountains and mining districts of the West, were again opened to the traveler and emigrant. It is to be regreted that these savages were not more severely punished, so as to effectually deter them from a repetition of their barbarities in the future. But considering the limited number of troops available for the purpose, the result of the campaign furnishes the people of the Territory abundant reason for congratulation.

PAY OF THE MILITIA.

The militia engaged in repelling these hostile savages, were provided with subsistence, transportation, ammunition, and ordnance stores, by the Federal military authorities; but in no case have they received compensation for their personal services or for services of the horses furnished by them. I therefore urgently recommend that at an early period of your present session you provide by law for their full and just compensation for these services. Congress will doubtless promptly re-inburse the Territory for these expenses, when the question shall be properly presented for its action; and I therefore respectfully suggest that provision be made for an early settlement of these just claims, in order that Congress may be enabled to act upon them before the close of the present session.

OUR FINANCES.

In calling your attention to those subjects which more immediately affect and interest the people of the Territory, it is in the first place appropriate and proper that I should refer to our financial affairs; and I do so with pride and pleasure, when I contrast our present condition with what it was a few years ago. Then the Territorial indebtedness was very little if any less than it now is, with at least three-fourths of it wholly unprovided for by any available resources whatever. Now, as will be seen by reference to the Auditor's report, every dollar of our Territorial debt is provided for, and most of it in process of collection.

According to the Auditor's and Treasurer's reports which are herewith submitted the whole amount of the outstanding debt is as follows:

Outstanding warrants and certificates unredeemed on the 15th of December, 1864.....	18,144 37
Amt' of bonds (due in 1872),.....	28,450 00

Making, together.....	\$46,594 37
To which add—estimated interest on Warrants and Bonds.....	9,127 74
And contingent appropriations of last Legislature, not yet drawn for.....	2,137 25
Making our total indebtedness.....	\$57,859 36

To meet this indebtedness there is in the hands of the Territorial Treasurer,	
Cash belonging to the General Fund.....	\$ 883 87
11 th " " " Sinking " and to be applied in reducing outstanding bonds.....	6,248 40
Taxes now due and in process of collection.....	52,256 95
Funds in hands in the hands of county Treasurers and due from the General Government.....	2,664 30
Total resources.....	\$62,053 02

Being an excess of resources over liabilities, of..... \$4,193 66
From this statement of the Auditor it will be seen that if the taxes be promptly paid, every dollar of our present indebtedness may be paid within the present year.

I take great pleasure in calling your attention to the valuable suggestions made by the Territorial Auditor and Treasurer. If the recommendations of the Auditor in regard to perfecting the Revenue Law be carried into effect, I think there will be no necessity for making any increase in the present rate of taxation, for, in my judgement, the increase in the valuation of property will bring upon the grand levy an amount sufficient to meet, at the existing rate of taxation, all demands upon the Territorial Treasury, unless it be thought proper to make appropriations from the Treasury for objects not heretofore contemplated.

THE FAMILIES OF SOLDIERS.

I called your attention, at the last session of the Legislature, to the propriety of providing by law, for the relief of sick and wounded soldiers, and the families of soldiers in the field, and the widows and orphans of those who have fallen in defence of their country. Permit me again to invite your attention to this subject, as one, in my judgement, worthy your most serious and earnest consideration. Many of the soldiers in the field are men of limited means; and all must admit that \$16 per month, even when promptly and regularly paid, is a sum too small, in these times of high prices, upon which to support a family. The times are prosperous, and those who remain at home and enjoy this prosperity should not complain if they were taxed to a small amount, if found necessary, to properly support the families of the brave soldiers who have periled everything, even life itself, to sustain and support our Government, or to place beyond want the widow, and educate the orphan of those who have fallen in its defense.

ADJUTANT GENERAL'S REPORT.

The report of the Adjutant General of the Territory will be read with general interest. Owing to the fact that but few papers were left in the office by the Adjutant General, previous to and at the commencement of the present Rebellion, it was impossible to make a full report of all the official acts in that department since the commencement of the Rebellion. Much valuable and important information is, however, to be found in his report, to which your attention is respectfully invited.

TERRITORIAL LIBRARY.

I herewith submit, for your examination, the annual report of the Territorial Librarian. This report exhibits a very satisfactory increase in the number of volumes in our Library the aggregate of which now reach 18,738. A few volumes belonging to the

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Historical department have been lost. The Librarian very properly recommends that the missing volumes be replaced by others while they may be procured at reasonable rates—thus preserving an unbroken series. In this recommendation I most cordially unite, and trust that such action may be had during your present session as will enable the Librarian to replace the lost volumes.

FREE HOMESTEADS.

No people within the jurisdiction of the United States are more deeply interested than the people of Nebraska in the success of the principle of justice which prompted Congress to enact the "Homestead Law." But the experience of every settler on the frontier has taught him that the principle underlying that beneficent enactment is not fully carried out by its provisions. The object of the law was to open up Public Lands for the use of cultivators of the soil at the actual cost of survey and sale. The law, as it now stands, is defective in this, that it does not prohibit the sale of the Public Lands not actually occupied at the time by Homestead settlers, to non-resident speculators. This class of people, either in person or through their agents, flock around the new settlements, and purchase large quantities of lands adjoining or near the Homesteads of actual settlers, and hold them until the labor and enterprise of the resident owners have enhanced them greatly in value, and thus reap large gains from the labor of those whom the law was intended to protect. I therefore recommend that you memorialize Congress, during your present session, to prohibit the sale of the Public Lands to any except such as shall make proof that they propose to acquire them for the purpose of actual settlement and cultivation.

A GENERAL HERD LAW.

Intimately connected with this subject is another, of vast consequence to the welfare and prosperity of the people of this Territory, which, in my judgment, has not heretofore sufficiently engaged the attention of the people. I refer to the tardy growth, to many of our settlements on account of the supposed deficiency of timber. It is true that timber is not as abundant in many parts of the Territory as it is in many of the Western States; and yet there is more timber in the settled portions of Nebraska, in proportion to area and surface than in some of the most wealthy and powerful States of Europe. But granting all that may be said on the subject of the scarcity of timber, have we no way by which we can insure, at an early day, the settlement and cultivation of our large and fertile prairies and beautiful valleys? I think we have simply by the enactment of a General Herd Law for the Territory. Those who have already fenced their lands, and are prepared to restrain their stock from running at large, need not be damaged or effected by such a law, while all those who may thus cultivate their lands without the expense of fencing, could well afford to be taxed, to a small amount, for herding their stock. The experiment of herding stock has already been tested in several portions of the Territory, with complete success. Stock has been found to thrive much better when regularly grazed and watered, and a much less per centage is lost by estraying and otherwise.

This subject is, in my opinion, one which claims your earnest and careful consideration, and I therefore trust you will give it that attention which its importance demands. I can think of no other possible way by which you can do so much towards

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securing an early settlement of our rich prairies and causing them to be cultivated, as it by securing through Congress all the Public Lands to the actual settler, and enacting the General Homestead Law.

THE FREEDMEN OF THE WAR.

During the progress of the present war, many thousands of the slaves of the South, who have, as a consequence of the war, been liberated from the bonds of human slavery, have been thrown upon the charities of our Government. They must either have the necessities of life furnished to them, or they must suffer. It was no fault of these people that they were held in bondage, and it certainly is no fault of theirs that they are now free, or that they come to us without money, without property, and without education. Common humanity would say that they should be provided for at least until they shall be able to earn for themselves and their families a comfortable support. The General Government has done, and is now doing, much towards giving this relief; but many of the wise and benevolent people of our country have thought it proper to adopt some measures whereby the Government may, to some extent, be relieved, and at the same time these people be protected and supplied with the necessary comforts of life. I do not advise the taxing of the people or the taking of any funds directly from the Treasury for this purpose. If, however, in your wisdom, you can devise any means whereby suitable labor can be furnished them, and an opportunity afforded them to earn an honest support for themselves and their families, it would be an act which, I doubt not, would meet the approval of your intelligent and philanthropic constituency.

It is now about two years since the Proclamation of Emancipation was issued, and it has, I think, proven itself to be not only a humane, but a wise, prudent and necessary measure.

The rebels have put our laws at defiance—the very laws which were intended to protect their slave property, and have laughed to scorn and trampled under foot the Constitution, under which they claimed to possess their rights to hold slave property. The logic of events plainly tells us that hereafter the suppression of the rebellion and Emancipation must go hand in hand, until the last foe shall be conquered and every shackles fall, and the oppressed be permitted to go free. Then shall our country be blessed with a PEACE which shall bring with it a restored Union, with all the blessings of civil and religious freedom. Our enemies having "sown to the wind," must "reap the whirlwind."

PENITENTIARY.

It is scarcely necessary for me again to enter into any lengthy argument in favor of the building of a Penitentiary in our Territory. That subject has been discussed in my former messages to your body, and also by most, if not all, of my predecessors in office. I, however, advise you to continue to press the subject of an appropriation for this object, upon the attention of Congress, in the hope that it may receive favorable action at the hands of that body at an early period. Aside from the necessity of having an institution of this kind, for the welfare and safety of the law-abiding people of the Territory, there is a great necessity for it in behalf of the General Government. At present, all persons charged with offences against the General Govern-

might are, of necessity, guarded, until trial, at a heavy expense to the National Treasury; and after conviction the prisoners are ordered to be taken, for confinement, to one of the State prisons, more than 700 miles distant from the Territory. All this expense might be saved to the Federal Treasury if the liberality were shown to Nebraska by Congress, that has usually been extended to the Territories.

~~To make more salutary MILITIA LAW~~

I must be permitted to respectfully call your attention again to our Territorial Militia Law. This law is in many respects quite defective, and should, in my opinion, receive some attention at your hands. The Organic Act of the Territory provides that the Governor shall be Commander-in-Chief of the Militia; but it is certainly proper and right that the Legislature should provide for properly organizing and drilling the Militia, and also make provision for mounting and equipping the men, when called into actual service. When the late call was made for troops to assist in protecting our frontier settlers from the savages, I found myself obliged to rely entirely upon the patriotism and liberality of the people in order to raise and equip a sufficient force to give proper relief to the suffering people.

The law regulating the enrollment of the Militia of the Territory also needs amendment. It perhaps might be proper to make it conform, as nearly as practicable, to the laws of Congress, so that we may be enabled, at any time, to determine the number of Militia in the Territory which would be subject to military duty under the laws and regulations of the General Government.

~~THE PACIFIC RAILROAD.~~

It will be gratifying to you, and the people of the Territory, to know that the work on the Great Union Pacific Railroad, which is to pass through the entire length of Nebraska, is progressing at a very commendable rate. The work of grading, bridging, and preparing the ties, is progressing much more rapidly than had been anticipated by our most sanguine people. I feel fully authorized to say, that unless some unforeseen misfortune attends this great enterprise, more than fifty miles of road westward from Omaha, will be in readiness for the cars before your next annual meeting. Not only is this great work progressing at this end of the route, but the following notice of the work, taken from President LINCOLN's late message to Congress, will show that the people at the Western terminus of the line are also pushing on the work. The President says:

"The great enterprise of connecting the Atlantic with the Pacific by railroad and telegraph lines has been entered upon with a vigor that gives assurance of success, notwithstanding the embarrassments arising from the prevailing high prices of materials and labor. The route of the main line of the road has been definitely located for one hundred miles westward from the initial point at Omaha City, Nebraska; and a preliminary location of the Pacific Railroad of California has been made from Sacramento eastward to the great bend of Mucker river, Nevada."

Another line of railroad, which is designed to connect with this route within the limits of our Territory, has recently been surveyed on the south side of the Platte river. This line is designed to be an extension of the Burlington and Missouri River

Railroad, and from the favorable reports made by the engineers, there can scarcely be a doubt that work will soon be commenced on that line also. I therefore think you will admit that I did not predict too much for Nebraska when I said to you, in my last annual message in alluding to these and to the other railroads which were proposed to be built through our Territory, that: "With these magnificent works successfully prosecuted to completion, connecting us directly with the great cities of the Atlantic and Pacific,—with the advantages of the Homestead,—of a virgin and fertile soil,—of exhaustless salt springs,—with a climate as salubrious as exists in the world, none can hesitate to predict for Nebraska gigantic strides in the attainment of wealth and power."

HASTY LEGISLATION.

As a former session of the Legislature, I called the attention of members to the prevailing evil, too common everywhere, of deferring, till the closing hours of the session, the passage of most of the acts or bills of the session. This practice is sometimes fraught with much mischief, and often with great wrong to the people. It is made the duty of the Governor to examine "every bill which shall have passed the Council and House of Representatives" and he is required either "to sign or return it with his objections." You will, I have no doubt, be astonished when I tell you that out of about one hundred acts and joint resolutions passed at the last session, more than one half of them were presented and signed on the last day of the session; and yet that session was not exception in this particular to the general rule. Let this Legislature, I entreat you, set a new example in this particular, and let your work not only be well done, but done *promptly*.

STATE GOVERNMENT.

During your last session, a joint resolution was passed, asking Congress to pass an act to enable the people of Nebraska to form a Constitution preparatory to an early admission into the Union as one of the independent States. Congress passed the act, but it was done near the close of the session, and there was scarcely time enough allowed between the date of the reception of the bill in the Territory and the election of the members of the Convention, for the people to learn of its passage—certainly not enough to enable them to consider, thoroughly and dispassionately the principles of the bill or the terms on which it was proposed to admit the Territory into the family of States. Under these circumstances, a large majority of the people decided that the members of the Convention should adjourn without forming or submitting any Constitution whatever. This decision of the people, under the circumstances, was just what might have been anticipated. It however, is no proof that when convinced that liberal terms are proposed by the General Government they would not readily consent to take their place in the great family of States. One of the great and leading objects of forming Territorial Governments, is to take the first step towards making a State. This is doubtless the object and aim of all Territories.

The strongest argument used against the admission into the Union, by those who opposed it, is perhaps, the last one that should be resorted to by the friends of our Government. I allude to the argument that we ought not to tax ourselves for anything which the General Government is willing or is bound to pay. In other words,

that so long as the General Government is willing to pay the expenses of the Territory, so long the people should refuse to change their form of Government. All parties are, I presume, ready to admit that our Government has quite as much as it can well do to maintain itself against its wicked enemies who are trying to overthrow it; and it seems to me that all loyal and Union-loving people should be willing to assist in bearing their proper burdens; at least, that they should not longer insist on drawing from the General Government that which we might provide for ourselves. Your own knowledge of the wishes of the people—being fresh from their midst—will enable you to decide whether or not the people would desire any further action at present on this subject. I shall therefore leave the whole subject with you, believing that you will decide the matter in accordance with their wishes.

CONCLUSION.

After this brief review of the condition of public affairs, it may not be deemed improper, I trust, for me to make a brief personal allusion. This may be, and probably is, the last annual Message I shall even present for your consideration. The period for which I was selected to fill the office of Chief Executive of the Territory, is rapidly drawing to a close. It is due to myself to say that it has been my constant aim to discharge the duties of the office faithfully, impartially, and efficiently,—bearing constantly in mind that the great and only true object of government, is to obtain the greatest attainable security of life, liberty and property. That on the relative safety of these, depends the real happiness and prosperity of every community. I have earnestly desired that the scales of justice should be held evenly balanced between man and man; that every interest should receive just protection, and that the laborer everywhere should securely reap the proceeds of his toil. I have most earnestly desired to aid in establishing a good system of Common Schools, so essential to the existence of a Republic and the development of the natural resources of our Territory, by encouraging the erection of railroads, and bridges, by the encouragement of immigration, and by the introduction of improved stock. I have also endeavored to aid the other Territorial officers in the work of so managing the financial affairs of the Territory as to relieve the people from the large Territorial debt that has so long been a burden to them. How far I have succeeded in these aims and wishes, must be left for others to judge. None however, can regret any manifest short-comings, more than myself. It is also due to my feelings, that I should express my gratitude to you, and through you to the people of the Territory for the kind and generous manner in which I was received and have been uniformly treated by each of you at the different sessions of the Legislature, and by the people at large.

Although the labors and duties of the Executive office are onerous, and to some extent irksome, yet the candid manner in which all my recommendations have been received by you and your predecessors, and the generous responses by the people of the Territory, to all demands that I have had to make upon them, has more than compensated me for all my anxious solicitude and labor.

In conclusion, I would say that I will most cheerfully co-operate with you during the present session, in perfecting such measures as the public safety and welfare may

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require, and your wisdom devise, and expressing the hope that at the conclusion of your deliberation, on your return to your homes, you may receive the approval of an enlightened and generous constituency.